

State of Michigan
In the District Court for the County of Van Buren

People of the State of Michigan,
Plaintiff,

V

File No. 09-16654 FC-B

Linda Kay Stermer,
Defendant,

FILED

MAR 06 2014

TINA LEARY
Van Buren County Clerk

Mr. Michael Bedford P48853
Prosecuting Attorney
212 Paw Paw Street
Paw Paw, Michigan 49079
For the People

Mr. Michael B. Skinner P62564
Attorney at Law
27 East Flint Street
Lake Orion, Michigan 48362
Defendant

Decision Regarding Motion for Relief of Judgment
Motion to Remand for Evidentiary Hearing
Motion for Release on Bond

Background

Linda Kay Stermer, in Pro Per, filed various motions with the Van Buren County Circuit Court. District Judge Arthur H. Clarke, III, was assigned to handle this matter. The motions included a Motion for Relief of Judgment, Motion to Remand for Evidentiary Hearing, and Motion for Release on Bond. Appropriate briefs in support of the various motions were filed also.

After receipt of the file and review of the documents filed herein, the Court made a determination that Ms. Stermer should be appointed counsel. Appellate counsel was appointed on September 23, 2013. Since the date of appointment no additional documentation has been filed in this matter.

The Court has taken the opportunity to review each motion and the supporting documentation. The Court has also taken an opportunity to review the court file in this matter including various transcripts.

Decision

The Court has referred to the Michigan Court Rules, subchapter 6.500 with regard to post appeal relief. The Motion for Relief of Judgment was filed pursuant to MCR 6.502. The Motion for Evidentiary Hearing was filed pursuant to MCR 6.508. The Motion for Release of Bond was filed pursuant to Michigan Statutes.

Pursuant to MCR 6.504 (B) this Court examined the motion together with all files, records, transcripts, and correspondence, relating to the judgment under attack. After review of the documentation, under MCR 6.504(B)(2) it plainly appears to this Court that the material reviewed along with the motions do not entitle Defendant to relief and therefore the Court is denying the motions without any further proceedings.

As the Court stated above, pursuant to MCR 6.505(A) the Court appointed counsel for the Defendant pursuant to MCR 6.505(B). The Court has given Defendant's counsel more than 56 days to amend or supplement the documents as filed in this matter and none has been received. The Court determined it was not necessary to order a response pursuant to MCR 6.506(A) by the Prosecuting Attorney for Van Buren County.

As stated above, the Court found no reason to grant the Motion for Relief from Judgment and did not order an evidentiary hearing. Pursuant to MCR 6.508 (B) the Court

determined that an evidentiary hearing was not required and chose to decide the motion after review of the documents filed herein. The Court does not find any reason pursuant to MCR 6.508(D) which would entitle the Defendant to relief.

Since the Court is denying the Motion for Relief of Judgment and Motion for Remand for Evidentiary Hearing, this Court is also denying the Motion for Release on Bond. There is no reason to set a bond in this matter. The Defendant is presently serving a sentence pursuant to her conviction in this matter and the Court will not take any further action on bond.

The Court sees no further reason for any further proceedings on this file.

February 28, 2014



Arthur H. Clarke, III
District Judge

ahc/lmc